

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:05CR84
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WAYNE LEE PETERSON,)	
)	
Defendant.)	

IT IS ORDERED, upon the unopposed oral motion of the defendant for a continuance of this matter, and after a telephonic conference regarding same, this case is rescheduled for a status/pretrial conference before the undersigned in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **October 27, 2005, at 11:00 a.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the defendant's request for a continuance in order to arrange a psychological evaluation of the defendant, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of trial to the date of the scheduled status/pretrial conference, namely, **August 29, 2005, through October 27, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge